

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|--|---|------------------------|
| Auto-Dimensions LLC, a Texas limited liability company, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. _____ |
| |) | |
| Dassault Systemes SolidWorks Corporation, a Delaware corporation, Aavid Thermalloy, LLC, a Delaware limited liability company, and Xtera Communications, Inc., a Delaware corporation, |) | JURY TRIAL DEMANDED |
| |) | |
| Defendants. |) | |

COMPLAINT WITH JURY DEMAND

Plaintiff Auto-Dimensions LLC ("Plaintiff" or "Auto-Dimensions"), submits its Complaint with Jury Demand against defendants Dassault Systemes SolidWorks Corporation ("SolidWorks"), Aavid Thermalloy, LLC ("Aavid"), and Xtera Communications, Inc. ("Xtera") (collectively, "Defendants") and alleges against Defendants as follows:

I. THE PARTIES

1. Auto-Dimensions is a limited liability company existing under the laws of Texas with its principal place of business at 6136 Frisco Square Blvd., Suite 385, Frisco, TX 75034.

2. On information and belief, SolidWorks is a corporation existing under the laws of Delaware with a principal place of business at 175 Wyman Street, Waltham, Massachusetts 02451.

3. Upon further information and belief, SolidWorks offers products and services and also currently transacts business in the Tyler Division.

4. On information and belief, Aavid is a limited liability company existing under the laws of Delaware with an office located at 5068 W. Plano Parkway, Suite, 300, Plano, Texas 70539.

5. On information and belief, Xtera Communications, Inc., is a corporation existing under the laws of Delaware with its corporate headquarters located at 500 W. Bethany Drive, Suite 100, Allen, Texas 75034.

II. JURISDICTION AND VENUE

6. This is a patent infringement action under the Patent Laws of the United States, 35 U.S.C. § 271.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Upon information and belief, Defendants have minimum contacts with the Eastern District of Texas such that this forum is a fair and reasonable one. Specifically, and also upon information and belief, Defendants have committed such purposeful acts and/or transactions in Texas that they reasonably knew and/or expected that they could be hauled into court as a future consequence of such activity. Also specifically and upon information and belief, Defendants have transacted and/or, at the time of the filing of this Complaint, are transacting business within the Eastern District of Texas. For these reasons, personal jurisdiction exists over Defendants.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) as a substantial part of the events or omissions giving rise to the claims in this action occurred in this judicial district.

Defendants may be found in this judicial district and Defendants are subject to personal jurisdiction within this judicial district. Venue is also proper in this Court under 28 U.S.C. § 1400(b) as Defendants have committed acts of infringement in this judicial district. Venue is proper in this judicial district because, upon information and belief, Defendants conduct business in this judicial district.

III. FACTS

10. Auto-Dimensions is the owner of all right, title, and interest in and to United States Patent No. 5,655,095 ("the '095 Patent"), entitled "Method and System for Design and Drafting." A true and correct copy of the '095 Patent is attached as Exhibit A.

11. Independent Claim 1 of the '095 Patent reads:

1. A method for automatically choosing and then displaying a dimension indicator type for indicating the size of a geometric object for a user of a computer-aided design and drafting system, comprising the following steps which are performed automatically by the computer-aided design and drafting system:

(a) identifying one of a plurality of possible geometries as the geometry of a displayed geometric shape;

(b) choosing one of a plurality of possible dimension indicator types for the object based on the identification in step (a);

(c) displaying an image of the chosen dimension indicator until a placement location is selected for the chosen dimension indicator; and

(d) displaying the chosen dimension indicator type in the vicinity of the placement location.

12. Upon information and belief, Defendants knew of the '095 Patent at least as early as the filing of this Complaint.

13. Upon information and belief, defendant SolidWorks was aware that the '095 Patent was valid and enforceable at least as early as 2010.

14. Specifically, SolidWorks is the assignee of United States Patent Application 12/699,661, Publication Number U.S. 20100201684 ("the '661 Application"). The prosecution history of the '661 Application shows that SolidWorks submitted an Information Disclosure Statement, citing United States Patent 5,929,856 ("the '856 Patent"). The '856 Patent is a continuation of the '095 Patent in suit.

15. Upon information and belief, Defendants have manufactured, made, have made, used, practiced, provided, supplied, distributed, sold, and/or offered for sale SolidWorks CAD, Draftsight and/or other Computer-Aided Design and Drafting ("CAD") products (the "Accused Products") that infringe one or more claims of the '095 Patent and/or Defendants are inducing and/or contributing to the infringement of one or more of the claims of the '095 Patent by others located in this judicial district, including, without limitation, claim 1.

16. Upon information and belief, the following end-users use and/or practice the Accused Products:

- a. Atrion Corporation, with its principal place of business located at One Allentown Parkway, Allen, Texas 75002-4206;
- b. Weber Aircraft, LLC, with its principal place of business located at 2000 Weber Drive, Gainsville, Texas 76240;
- c. ND SatCom, with its principal place of business located at 3801 E. Plano Parkway, Suite 200, Plano, Texas 75074;

- d. Sanden International (U.S.A.), Inc., with its principal place of business located at 601 S. Sanden Boulevard, Wylie, Texas 75098-4999.

17. Defendant SolidWorks is inducing and/or contributing to the infringement of one or more of the claims of the '095 Patent by others located in this judicial district by providing, supplying, distributing, selling, offering for sale, and/or providing support for the Accused Products.

IV. FIRST CLAIM FOR RELIEF
(Patent Infringement)

18. Auto-Dimensions incorporates the foregoing paragraphs as if fully set forth herein.

19. Defendants manufacture, make, have made, use, practice, provide, supply, distribute, sell, and/or offer for sale products and/or services that infringe one or more claims of the '095 Patent in violation of 35 U.S.C. § 271(a), and/or are inducing direct infringement of the '095 Patent by others by actively instructing, assisting and/or encouraging others to practice one or more of the inventions claimed in the '095 Patent in violation of 35 U.S.C. § 271(b).

20. Auto-Dimensions has been damaged as a result of Defendants' infringing conduct. Defendants are thus liable to Auto-Dimensions in an amount that adequately compensates Auto-Dimensions for such infringement which cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

21. Defendants' acts of infringement have been willful, deliberate, and in reckless disregard of Auto-Dimensions' patent rights, and will continue unless permanently enjoined by this Court.

V. PRAYER FOR RELIEF

WHEREFORE, Auto-Dimensions requests that the Court find in its favor and against Defendants, and that the Court grant Auto-Dimensions the following relief:

A. Judgment that one or more claims of the '095 Patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others whose infringement was induced or contributed to by Defendants;

B. A permanent injunction enjoining Defendants, along with their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents, from infringing, inducing the infringement of, or contributing to the infringement of the '095 Patent;

C. Judgment that Defendants account for and pay to Auto-Dimensions all damages to and costs incurred by Auto-Dimensions because of Defendants' infringing activities and other conduct complained of herein in an amount not less than a reasonable royalty;

D. Pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringing activities and other conduct complained of herein;

E. A judgment and order finding Defendants' infringement willful and awarding treble the amount of damages and losses sustained by Auto-Dimensions as a result of Defendants' infringement under 35 U.S.C. § 284;

F. Such other and further relief as the Court may deem just and proper under the circumstances, including an award of enhanced damages and/or determining this to be an exceptional case pursuant to 35 U.S.C. § 285 and awarding Auto-Dimensions its reasonable attorneys' fees.

VI. DEMAND FOR JURY TRIAL

Auto-Dimensions hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

Dated: December 28, 2012

FERGUSON LAW GROUP, P.C.

By: /s/ John D. Fraser
Attorney-in-Charge
Ferguson Law Group, P.C.
State Bar No. 07393550
2500 Dallas Parkway, Suite 260
Plano, Texas 75093
Phone: 972.378.9111
Fax: 972.378.9115
E-Mail: jfraser@dallasbusinesslaw.com

Of Counsel:
Robert R. Brunelli (pending pro hac vice admission)
rbrunelli@sheridanross.com
John R. Posthumus (pending pro hac vice admission)
jposthumus@sheridanross.com
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
Telephone: 303-863-9700
Facsimile: 303-863-0223
E-mail: litigation@sheridanross.com

ATTORNEYS FOR PLAINTIFF